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EXAMINER

TRAN, V

ART UNIT	PAPER NUMBER
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UNITED STATES DEPARTMENT OF COMMERCE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 08/353,008
Filing Date: 9 December 1994
Appellant(s): Timothy M. Skergan

DEC 22 1997

Brian F. Russell
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 29, 1997.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

Art Unit:

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 8 May 1997 has not been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-5, 6-9, and 10-14 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

No prior art is relied upon by the examiner in the rejection of the claims under appeal.

(10) New Prior Art

No new prior art has been applied in this examiner's answer.

(11) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit:

1. Claims 1-5 and 10-15 are rejected under 35 U.S.C. § 102(b) as being anticipated over Claris.

Claris teaches an improved method of selecting points within a display device of a data processing system, said data processing system including a single graphical pointing device, comprising: displaying a plurality of graphical pointers (see Figure 3-24) as broadly interpreted; temporarily selecting one graphical pointers among the plurality of graphical pointers; manipulating said one graphical pointer in response to operation of a single graphical pointing device (see Figure 3-24). However, as mentioned in the response section of the final office action, the graphical pointers are the scroll arrows on a window (see Figure 1-17). All of the graphical objects in Figure 3-24 can be displayed on the window of Figure 1-17. Clicking on one of the scroll arrows would read on selecting a point within the display device because the scroll arrow is a point on the window which is within the display device. Said point specifies a position of the selected graphical pointer (see Figure 1-17) and it can be at different positions on the display device depending on the size of the window. There are total of four graphical pointers on the window for scrolling up, down, left and right, therefore, a subset of the plurality of graphical pointers would include one graphical pointer and at least a second graphical pointer. Each graphical pointer (or scroll arrow) is a switch, closure of which selects a point within the display device. When the window is resized, for example, to full screen or half screen within the display device, the second graphical pointer would be moved to a position determined from a position of the first graphical pointer.

Art Unit:

2. Claims 6-9 are rejected under 35 U.S.C. § 102(b) as being anticipated over Apple Computer, Inc.

As to claim 6, Apple Computer, Inc teaches a plurality of pointers as broadly interpreted, a single pointing device for selecting and manipulating graphical pointers which are tools for drawing, and closure of a switch selects a point within a display device (see pages 4 and 5).

As to claims 7-9, Apple Computer, Inc further teaches the use of a mouse as a pointing device and a mouse button as a switch to select and manipulate graphical pointers by "clicking" and "dragging" (see pages 4 and 5). Last, pages 30-31 teaches graphical pointers being arrows.

(12) *New Ground of Rejection*

This examiner's answer does not contain any new ground of rejection.

(13) *Response to argument*

Appellant's arguments have been fully considered but they are not persuasive. On page 7, lines 3-4, Appellant argues that Claris does not show or suggest the step of selecting a point within said display device in response to closure of a switch associated with said one graphical pointer." Examiner disagrees because clicking on one of the scroll arrows would read on selecting a point within the display device since the scroll arrow is a point on the window which is within the display device.

On page 7, lines 7-10, Appellant argues that "Claris teaches the location of the selected point is specified by the position of the graphical object." Examiner agrees, however, the window in Figure 1-17 which displays the graphical object further has the scroll arrows at the corners,

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selection of which specifies a point of the graphical pointer on the display device. It is noted that “Claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims, the thought being to reduce the possibility that after a patent is granted, the claims may be interpreted as giving broader coverage than is justified.” See In re Prater, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969).

On page 8, lines 23-26, Appellant argues “the present invention is directed to an enhancement for a graphical user interface that permits multiple graphical pointers displayed within a single display device to be controlled utilizing a single graphical pointing device.” Examiner agrees that all of the appellant’s arguments are disclosed, but they are clearly not brought out in the claims.

Claims 6-9 were rejected as being unpatentable over Apple Inc. However, these claims could be rejected using Claris because Claris further teaches the scroll arrow having an arrow shape (see Figure 1-17); graphical pointing device being a mouse for clicking and dragging (see page 3-21); and pressing the mouse button would activate the mouse switch which activates the scroll arrow.

(14) Conclusion

Appellant’s arguments rely on the definition of “graphical pointer” being a moveable feature of a graphical user interface that will be selected in response to the depression of a button associated

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with the graphical pointer. Clearly, the "graphical pointer" as broadly interpreted reads on the scroll arrow.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

K

Vui T. Tran

December 18, 1997


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